

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SEAN KENDRICK,
Plaintiff,

v.

Case No. 05-C-0976

**MATTHEW J. FRANK, THOMAS G. BORGEN,
LARRY JENKINS, JODINE DEPPISCH,
TOM GOZINSKE, SHARI HEINZ,
DR. ENRIQUE LUY,**
Defendants.

ORDER

On September 13, 2005, pro se plaintiff Sean Kendrick was ordered to pay an initial partial filing fee of \$13.88 to the clerk of court within 21 days of the court's order, pursuant to the provisions of the Prison Litigation Reform Act (PLRA). See 28 U.S.C. § 1915(b)(1).

By letter of October 3, 2005, the plaintiff indicates that he does not currently have funds available in his trust account at the correctional institution where he is incarcerated, although his prison release account contained \$336.25 as of September 8, 2005. He requests that the entire filing fee of \$250.00 be withdrawn from his release account and be sent to the clerk of court for this district. However, plaintiff does not indicate why it is necessary to withdrawal the entire filing fee from his release account at this time.

After due consideration, and in light of the plaintiff's request that prison officials take at least the funds necessary to satisfy the filing fee of \$13.88 out of his release account, the warden at the correctional institution is directed to submit to the clerk of court within 21 days

of the date of this order the \$13.88 as the plaintiff's payment of his initial partial filing fee. See Doty v. Doyle, 182 F. Supp. 2d 750, 751-52 (E.D. Wis. 2002).

NOW, THEREFORE, IT IS HEREBY ORDERED that, upon the request of the plaintiff, the warden at the correctional institution where the plaintiff is incarcerated shall withdraw \$13.88 from the plaintiff's release account and forward that sum to the clerk of this court as plaintiff's initial partial filing fee in this action. Such payment is to be made within 21 days of the date of this order.

IT IS ALSO ORDERED that copies of this order be sent to the warden at Fox Lake Correctional Institution and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857

Dated at Milwaukee, Wisconsin this 7 day of October, 2005.

/s

LYNN ADELMAN
District Judge